

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDIO AMAURIS NUNEZ-POLANCO,

Plaintiff,

-against-

SUPERINTENDENT MICHAEL CAPRA;
F.H.S.D. RAZIA FERDOUS; C.O. SUAREZ;
C.O. MAISON; P.A. MUTHA; SST PAVEL;
SST MITCHELL; C.O. DE LA ROSA; C.O.
COLLINS; C.O. GUZMAN,

Defendants.

22-CV-4475 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated in Great Meadow Correctional Facility, filed this complaint alleging that Defendants violated his constitutional rights during his custody in Sing Sing Correctional Facility. By order dated February 27, 2023, the Court dismissed the amended complaint for failure to state a claim, and declined to exercise supplemental jurisdiction of any state law claims Plaintiff was raising. On May 25, 2023, Plaintiff filed a notice of appeal and an extension of time to file a notice of appeal, and on June 14, 2023, Plaintiff filed a motion for assignment of *pro bono* counsel. (ECF 26, 27, 29.) Since Plaintiff's case was closed on February 27, 2023, he has submitted ten letters seeking various forms of relief. (ECF 28, 30-34, 36-40.)

On March 14, 2023, the Second Circuit dismissed the appeal for lack of jurisdiction because the notice of appeal did not "designate a judgment or order for appeal." No. 23-6547 (2d Cir. Mar. 14, 2023). Because the appeal has already been adjudicated, and this matter is closed, the motion for an extension of time to file a notice of appeal and the motion for appointment of *pro bono* counsel are denied as moot.

CONCLUSION

The motion for an extension of time to file a notice of appeal and a motion for assignment of *pro bono* counsel are denied as moot, and the Clerk of Court is directed to terminate them. (ECF 26, 29.)

This matter is closed. The Clerk of Court is directed to accept no further documents in this action other than those directed to the Court of Appeals.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: July 8, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge